



## UNITED STATES DEPARTMENT OF COMMERCE

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/137,870	12/22/87	SHAW	H STANF. 18H

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EXAMINER	
LEE, P.J.	
ART UNIT	PAPER NUMBER
251	8
DATE MAILED:	

This is a communication from the examiner in charge of your application.

12/05/88

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on 10-17-1988  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

## Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

<input type="checkbox"/> 1. Notice of References Cited by Examiner, PTO-892.	<input type="checkbox"/> 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.
<input checked="" type="checkbox"/> 3. Notice of Art Cited by Applicant, PTO-1449	<input type="checkbox"/> 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152
<input type="checkbox"/> 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474	<input type="checkbox"/> 6. <input type="checkbox"/>

## Part II SUMMARY OF ACTION

1.  Claims 18-32 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims 1-17 have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 18-32 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8.  Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are  acceptable;  not acceptable (see explanation).

10.  The  proposed drawing correction and/or the  proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been  approved by the examiner.  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved.  disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12.  Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other Terminal Disclaimer has been entered.

The terminal disclaimer, filed August 12, 1988, has been entered. In view of this disclaimer, there is no basis for any obviousness type double patenting rejections of the claims in this application. Accordingly, no such rejections are made.

The response filed October 17, 1988, has been carefully considered by the Examiner. This response has obviated all the rejections and objections of record and they are hereby withdrawn. The amendments to the claims, however, have necessitated new grounds of rejection as more fully set forth below.

Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The words "laser fiber" having been deleted from line 4 of this claim, there is no longer an object in the associated prepositional phrase ("to a" what?). There is also no antecedent basis for the term "said laser fiber" in line 5.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as the originally filed specification does not provide support for the invention as is

now claimed.

Applicants have changed the language in all the claims so that the laser device is now recited as an "optical waveguide" rather than an "optical fiber". The term "optical waveguide" is much more encompassing than "optical fiber". While an optical fiber can be viewed as a specific type of optical waveguide, so can planar, rib or channel waveguides! These latter structures operate on similar but different parameters (the different boundary conditions leading to different solutions to the wave equations), are formed by totally different methods, and are generally used in very different applications compared to optical fibers. They have come to be recognized differently in the art, and there is no real interchangeability among them for particular optical applications. Therefore, it would be incorrect to assume that applicants' discussion of optical fibers for the laser device applies to all optical waveguides. Importantly, the word "waveguide" does not appear at all in the specification of the instant application. The change in the language of the pending claims is thus considered to be new matter, not supported by the originally filed disclosure.

Claims 18-32 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the above objection to the specification.

Applicants' cited prior art has been considered by the Examiner and made of record in the application (see attached form PTO-1449).

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Applicants' amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a).

Applicants are reminded of the extension of time policy set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication should be directed to Examiner J.D. Lee at telephone number 703-557-4707.

Lee/EW  
11-25-88

*John D. Lee*  
JOHN D. LEE  
PRIMARY PATENT EXAMINER  
GROUP ART UNIT 251

11/29/88